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**Health and Family Services Cabinet, Protection and Advocacy  
Agreement Approved***Enhanced Community Services Will Begin in August*

FRANKFORT, Ky. (July 14, 2008) – The Cabinet for Health and Family Services (CHFS) and Kentucky Protection and Advocacy (P&A) have reached a compromise that will allow individuals with mental retardation or other developmental disabilities to begin the process to receive enhanced community services in August, under an amended settlement agreement for the Michelle P. class action lawsuit.

The agreement resolves the Michelle P. lawsuit, filed by P&A in 2002, that alleged Kentucky failed to provide adequate community services.

The amended settlement agreement was approved today in federal court, and a waiver covering the provision of the services was approved by the federal Centers for Medicare and Medicaid Services in early July. The court indicated it intends to approve the agreement after the anticipated remand from the Sixth Circuit Court of Appeals.

"These approvals give the Cabinet for Health and Family Services the ability to move forward with an expanded array of services to support individuals with mental retardation and developmental disabilities in community settings, rather than in institutions," said Governor Steve Beshear. "I am extremely pleased that, as a result of this agreement, we will be able to accomplish what Kentucky has needed to do for many years – offer a broader array of services for these individuals."

"This is an exciting day for persons with intellectual and other developmental disabilities and their family members as the availability of these long-awaited supports is finally a reality," said Marsha Hockensmith, director of Protection & Advocacy. "Supports available via the Michelle P. Waiver will bring much-needed relief to persons with disabilities and their family members."

Under the agreement, the Michelle P. Waiver will serve the approximately 3,000 class action lawsuit members — currently on the waiting list for Supports for Community Living residential services — in the first year, assuming they meet eligibility requirements. Those individuals may choose to stay on the waiting list for residential services while receiving the new community supports. The agreement calls for serving an additional 1,500 individuals in each following year, until a maximum of 10,000 is reached.

The enhanced community services will provide non-residential supports and services needed by individuals with mental retardation or developmental disabilities to enable them to live safely in the community. A range of approved support services — including personal care, homemaker services, respite, adult day health, behavioral supports, and others — can be provided up to 40 hours a week.